

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

MAY 20 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JOSEPH P. KRONZER  
and  
JAMES F. DYRUD

Application 08/661,834

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 12, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

Section 1208 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1, Feb. 2003) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed

by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

The Examiner's Answer mailed January 14, 2004 (Paper No. 48) does not comply with the above requirement.

In addition, according to page 2 of the Examiner's Answer, "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, it is noted that the language of claim 33 in the Appendix differs from its last amended version.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for taking corrective action regarding the appeals conference;
2. for written communication to appellants regarding such corrective action;
3. for issuance of a supplemental Examiner's Answer which contains a correct copy of claim 33, or for notification to

appellants to submit a new Appendix to the Appeal Brief which contains the corrected claim; and

4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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